

CHARTER
CITY OF
PARKERSBURG, WEST VIRGINIA

EDITOR'S NOTE: The Parkersburg Charter was adopted at the special election held October 7, 1969. Dates appearing in parentheses following a section heading indicate those provisions were subsequently amended, enacted or repealed on the date given.

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CHARTER
OF THE
CITY OF PARKERSBURG

ARTICLE I
INCORPORATION; FORM GOVERNMENT; POWERS

SECTION 1.100 INCORPORATION.

The inhabitants of the City of Parkersburg, West Virginia, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of "The City of Parkersburg".

SECTION 1.101 FORM OF GOVERNMENT.

The municipal government provided by this charter shall be the "strong-mayor plan".

SECTION 1.102 POWERS OF CITY.

This City, incorporated under this municipal home rule Charter, shall have all the powers granted to municipal corporations and to cities of its class by the Constitution and laws of the State of West Virginia, together with all the implied powers necessary to carry into execution all the powers granted.

ARTICLE II
LEGISLATIVE BRANCH

CHAPTER 1. THE COUNCIL

SECTION 2.100 POWERS.

All legislative powers of the City shall be vested in the Council.

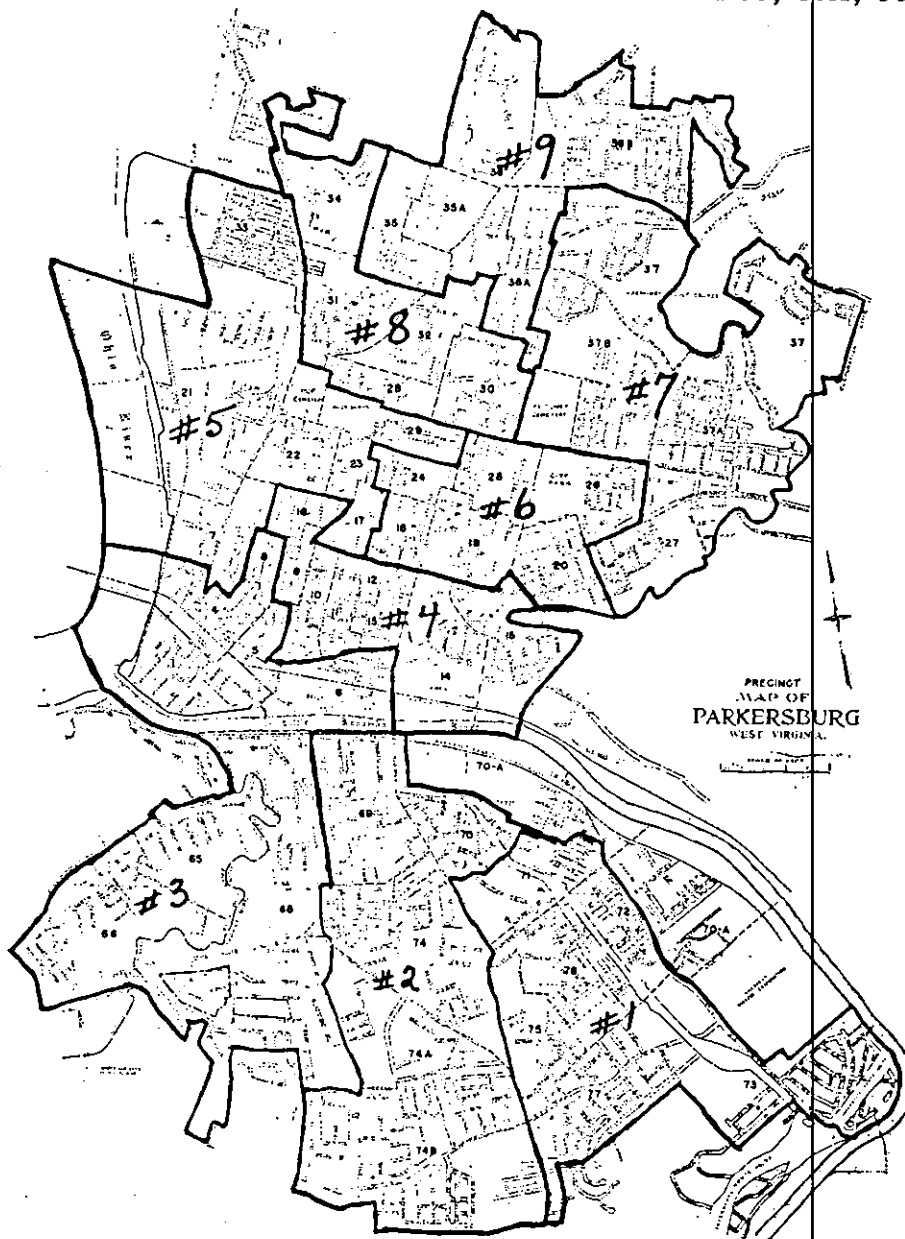
SECTION 2.101 NUMBER, SELECTION AND TERMS OF COUNCILMEN.

The Council shall consist of nine members, one to be elected from each of the municipal election districts, hereinafter described, to serve for a term of four years, in the manner provided in this Charter. Each Councilman shall be elected by the qualified voters resident in the particular district from which he is to be elected.

SECTION 2.102 ELECTION DISTRICTS.

The City shall be divided into nine election districts, each serving as the basis for electing a district Councilman. The nine election districts shall be as follows:

- (a) District One shall be composed of Precincts numbers 71, 72, 73, 75, 76 and 77.
- (b) District Two shall be composed of Precincts numbers 69, 70, 74, 74A and 74B.
- (c) District Three shall be composed of Precincts numbers 1, 4, 5, 6, 8, 65, 66 and 68.
- (d) District Four shall be composed of Precincts numbers 9, 10, 11, 12, 13, 14, 15 and 16.
- (e) District Five shall be composed of Precincts numbers 7, 17, 21, 22, 23, 29 and 33.
- (f) District Six shall be composed of Precincts numbers 18, 19, 20, 24, 25 and 26.
- (g) District Seven shall be composed of Precincts numbers 27, 37, 37A and 37B.
- (h) District Eight shall be composed of Precincts numbers 28, 30, 31, 32 and 34.
- (i) District Nine shall be composed of Precincts numbers 35, 35A, 36, 36A and 36B.



EDITOR'S NOTE: The election district boundaries originally established by the Charter have been amended by a later ordinance pursuant to the authority granted under Section 2.104 of the Charter. Consult Article 107 for legislation adopting the Election District Map currently in effect.

SECTION 2.103 PRECINCTS DEFINED.

The precincts referred to in Section 2.102 shall mean the voting precincts, insofar as they lie within the corporate limits of the City, fixed by the County court for all State and County elections as they exist on the effective date of this Charter. Within three months after their election and qualification, the members of the first Council elected under this Charter shall cause to be made and kept a detailed map of the City showing the boundaries of the Municipal election districts herein described; and each subsequent Council shall cause such map to be kept, maintained and revised as appropriate. The initial such map and any revised such map shall be approved and promulgated by Council in the same manner as provided for the adoption of ordinances.

SECTION 2.104 COUNCIL REDISTRICTING.

It shall be the duty of Council to redistrict the City by ordinance, with or without the assistance of a districting commission, within a period of six months after the official publication by the United States of the population of the City as revealed in such official census. Each election district shall be made to contain as nearly as possible, consistent with general laws, the population factor obtained by dividing by the number of district Councilmen the City's population as shown by such official census. If, at the expiration of the six months period, Council shall have failed to redistrict the City as herein required, the members of Council shall receive no further compensation until such ordinance shall have been adopted; and the Director of Finance shall issue no checks for such compensation which would ordinarily have accrued during the period of noncompliance. Council may redistrict the City at any more frequent intervals as it may deem appropriate based upon any other such more timely information as may become available.

SECTION 2.105 QUALIFICATIONS OF COUNCILMEN.

All Councilmen shall be citizens of the United States and qualified electors of the City, and shall not hold, during their terms of office, any other public office or position nor be members of any political executive committee; provided, however, that a notary public, member of the military or naval forces or public school or college employee shall not be deemed to hold a public office or position within the meaning of this section. Each Councilman shall have been a resident of the City for at least two years immediately preceding his election and shall, at the time of his announcement for office and during his term of office, reside within the district from which elected or appointed to represent; provided, however, that no redistricting of the City shall effect the term of any incumbent Councilman during his then existing term of office.

SECTION 2.106 ORGANIZATION OF THE COUNCIL; OFFICERS; RULES; EMPLOYEES.

(1) The Council shall meet in the Council chamber at the City Hall for organization at 7:30 p.m. on the Tuesday next following the date its members assume office, at which time it shall elect one of its members as president and one of its other members as vice president, both of whom shall serve at the pleasure of the Council. The president shall be the presiding officer and shall, together with all other Councilmen, have the right to vote in the Council at all times, except when serving as acting Mayor. In the event of the president's absence or disability, or disqualification to act because of his serving as acting Mayor, the vice president shall act as President. A majority of the total qualified and acting number of Councilmen shall constitute a quorum.

(2) The Council shall determine and adopt its own rules governing its officers and employees, for the organization of committees and respecting the transaction of its business.

(3) The Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than twice each month. Special meetings may be called at any time, upon reasonable notice, by the Mayor or the president of Council and shall be so called by the President upon request of a majority of all members of the Council. The requirement of reasonable notice, as mentioned herein, may be fulfilled by delivering a written notice of the time and place of the special meeting containing a brief statement of the purpose of the the meeting in the method provided by law for the institution of a civil action within 12 hours of the time set for the meeting, or by such other method as Council may by ordinance provide.

CHAPTER 2. COUNCIL PROCEDURE

SECTION 2.200 PROCEDURE RESPECTING ADOPTION OF ORDINANCES.

Every act of the Council which is to become law shall be by ordinance and shall begin with the enacting clause, "The Council of the City of Parkersburg hereby ordains:". The enactment of ordinances shall be performed in the manner provided in W. Va. Code, §8-11-4 (Acts 1969), except as otherwise herein provided.

After the first reading, by title or in full, and the consideration of any amendments, the question shall be: "Shall the ordinance be advanced to second reading?". If the question shall be decided in the negative, it shall not again be put until the ordinance be read by title or in full again. If the question put is agreed to, the President shall order the ordinance to second reading. Except in those cases expressly exempted from second readings by subsection (d), Section 4, Article 11, Chapter 8 of the Code of West Virginia of 1931, as amended, the second reading of an ordinance shall be held not less than seven days after it is ordered to second reading. After second reading by title or otherwise, the question shall be on passage of the ordinance unless some other question takes precedence. (Amended 10-15-85.)

SECTION 2.201 SUBMISSION OF ORDINANCES TO MAYOR; VETO POWER.

Within ninety-six (96) hours after the adjournment of any Council meeting, the City Clerk shall present to the Mayor all duly certified ordinances and resolutions adopted at the meeting. Such ordinances or resolutions so presented shall be certified by a duly appointed member of Council within forty-eight (48) hours from adjournment of the meeting wherein the same was passed. The Mayor, within seven days of receipt of an ordinance or resolution, shall return it to the City Clerk with or without his signature, or with his veto. If the ordinance or resolution is signed, it shall become operative at noon the seventh calendar day after it is presented to the Mayor. If the ordinance is disapproved by veto, the Mayor shall attach thereto a written statement explaining the reasons for his veto. Ordinances or resolutions vetoed by the Mayor shall be presented by the City Clerk to Council for consideration at its next regular meeting or a special meeting if consideration of the veto is included in the call therefor, and should the Council then or thereafter adopt the ordinance or resolution by an affirmative vote of at least two-thirds of all its members, it shall become operative upon the date specified by Council, but in no event less than fifteen days after the

date of final passage; and if no operative date is so specified, it shall become operative at noon on the fifteenth calendar day after the date of final passage. The Mayor's veto power shall extend to disapproving or reducing individual appropriation items in the budget or any ordinance or resolution, except appropriations or resolutions for auditing or investigating any part of the executive branch of the City government. (Amended 10-15-85.)

SECTION 2.202 MAYOR OR REPRESENTATIVE SHALL ATTEND COUNCIL MEETINGS.

The Mayor or his designated representative shall attend any meeting of the Council and may attend any meeting of its committees and may express his views, orally or in writing, on matters pending before the Council; but he shall have no right to introduce any motion, resolution, or ordinance, or amendments thereof, nor to vote thereon.

SECTION 2.203 COUNCIL MEETINGS TO BE PUBLIC.

The meetings of Council shall be open to the public. Upon affirmation by a majority vote of the members present, Council may declare an Executive Session upon any stated ground provided by law. Attendance at such Executive Session shall be limited to members of Council and those persons invited by an affirmation of a majority vote of those Council members present. (Amended 10-15-85.)

SECTION 2.204 COUNCIL TO BE THE JUDGE OF QUALIFICATIONS OF ITS MEMBERS.

The Council shall be the judge of the election and qualification of its members, consistent with the provisions of this Charter and general law, and for such purpose shall have the power to subpoena witnesses and require the production of records; but the decision of Council in any such case shall be subject to review by the courts.

SECTION 2.205 CREATION OF DEPARTMENTS OR OFFICES; CHANGE IN DUTIES.

Council by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. Either Council or the Mayor may assign additional function or duties to offices, departments or agencies established by Council or by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

SECTION 2.206 VACANCIES IN COUNCIL.

(1) If a councilman be convicted of treason, any felony or bribery in any election, before any court, in or out of this state; is removed from office under the provisions of general law; or ceases to possess or fulfill any of the qualifications of a councilman as required by Section 2.105 of this Charter; or becomes physically or mentally incapacitated to the extent that he is unable to properly perform the functions of the office, his office shall become vacant at the declaration of Council. If a councilman absents himself from five (5) consecutive regular meetings of Council without approval of Council expressed in its official minutes, such absence shall constitute neglect of duty and upon declaration of Council a vacancy may be declared.

- (2) A vacancy occurring in the office of any Councilman shall be filled as follows:
- (a) If the unexpired term is less than one year, the remaining members of Council shall select a citizen with requisite qualifications from among a list of three such persons whose names are submitted to Council by the Municipal executive committee of the party represented by the vacating Councilman. Should the appropriate executive committee fail to submit the names of its three candidates within fourteen days after the occurrence of the vacancy, Council shall fill the vacancy without such recommendation with a person of requisite qualifications without regard to party affiliation. Should Council fail to fill any vacancy within thirty days after its occurrence, the Mayor shall appoint a person with requisite qualifications to fill the vacancy for the unexpired term.
 - (b) If the unexpired term is for one year or more, the vacancy shall be filled by special election, to be called by Council within ten days, and to be held within sixty days, after the occurrence of the vacancy, at which time the electors of the district in the representation of which the vacancy exists shall elect a person with requisite qualifications to fill the vacancy for the remainder of the unexpired term; provided, however, that if any special or general election is to be held in the City after thirty days and within six months after the occurrence of the vacancy, then the election to fill the vacancy shall be held in conjunction therewith. Certificates of candidacy, duly filed within the time limit ordained by Council, shall be deemed nominations for the purpose of such election.
(Amended 10-15-85.)

SECTION 2.207 COMPENSATION.

Councilmen shall be paid an annual salary, to be fixed by ordinance and to be paid in periodic installments, provided: No councilman shall receive an increase in compensation during his term of office as councilman; Council, by ordinance, may provide additional annual compensation to be paid in periodic installments to the President of Council, which compensation shall not be increased during the President of Council's term of office as President.
(Amended 10-15-85.)

SECTION 2.208 CODIFICATION OF ORDINANCES.

- (1) The Council shall, within three years of the effective date of this Charter and at least every ten years thereafter, cause to be prepared a code with an adequate index containing all of the ordinances of the City of general application which are appropriate for continuation as law. Such code may be prepared by the City Attorney, or Council may contract for its preparation by professional persons or by organizations experienced in the revision and codification of ordinances or statutes.

(2) When the code, or any general revision of the whole or part thereof, shall have been prepared, the Council shall cause copies of the same to be prepared and made available for public distribution. No ordinance approving such code or revision shall be adopted until ninety days have elapsed following the date on which the Council shall have noted in the official journal the availability of copies of such proposed code to the public, nor until compliance with all applicable State laws. The code and general revisions of the whole or parts thereof need not be printed in the official journal, but the Council shall cause the code or revisions to be published and distributed.

(3) All ordinances of general applications, adopted after the approval of the code, shall be adopted as amendments to the Code shall indicate the section numbers to be assigned to the text of such ordinances in the code and shall be indexed accordingly.

(4) Until such code is prepared, adopted and distributed, the City Clerk shall make available upon request to any person requesting it, at a cost to be fixed by Council, copies of all effective City ordinances and all ordinances which may be subsequently adopted.

(5) Council shall provide on or before March 31 of each year for the preparation, publication and sale to the general public of an annual collation of all changes in the City Code. Council shall immediately upon adoption of this paragraph, provide for the collation of all rules and regulations of the City then in force, their publication and sale to the public. Thereafter Council shall provide annually for the collation of all changes in and deletions to such rules and regulations during the prior year and the publication and sale of separate parts of such rules and regulations to the general public in such parts and portions, by subject matter as Council shall determine.

(Amended 10-15-85.)

CHAPTER 3. INVESTIGATIONS BY COUNCIL

SECTION 2.300 INVESTIGATIONS; POWER TO CONDUCT.

The Council shall have the power to conduct investigations of:

- (a) The operation of any office, department, agency or board administering the affairs of the City.
- (b) Any subject upon which it may legislate.

SECTION 2.301 POWER TO ADMINISTER OATHS, SUBPOENA WITNESSES AND COMPEL PRODUCTION OF RECORDS.

In conducting investigations, the Council shall have the right to administer oaths, subpoena witnesses and compel the production of books and papers pertinent thereto.

ARTICLE III
EXECUTIVE BRANCH

SECTION 3.100 POWERS AND DUTIES OF MAYOR.

The Mayor shall:

- (1) Be the chief executive officer of the City and exercise all the powers and perform all the duties vested in or imposed upon him by this Charter, ordinance of Council, general law or fairly implied in order to carry out the functions of his office in the best interests of the citizens of the City;
- (2) Exercise, directly or through his representative, supervision over all other executive and administrative work of the City and provide for the coordination of administrative activities;
- (3) Report to Council at least annually upon the state of the City and may recommend to Council from time to time such measures as the Mayor deems to be in the best interests of the City and its inhabitants;
- (4) Appoint City officers and employees as provided by law, this Charter or ordinance and may, except where prohibited or otherwise provided by law, this Charter, ordinance or duly adopted merit or civil service systems, remove any City officer or employee at his pleasure, whether such officer or employee was appointed by the Mayor with or without the approval of Council; and
- (5) Except as otherwise provided by general law, appoint members of independent boards or commissions of the City, which appointments shall be subject to the approval of Council.

SECTION 3.101 ELECTION AND TERM OF MAYOR.

The electors of the City shall elect a Mayor from the City at large in the manner provided in this Charter, to serve for a term of four years. No person who shall have been elected for three full consecutive terms as Mayor shall be eligible to succeed himself in that office; and the Mayor shall not during his term of office hold any other public office or position as defined in Section 2.105 of Article II hereof.

SECTION 3.102 QUALIFICATIONS OF MAYOR.

The Mayor shall have been a resident of the City for at least two years preceeding his election, shall be a citizen of the United States and a qualified elector of the City, shall be at least twenty-five years of age at the time of his election, and shall remain a resident of the City during his term of office.

SECTION 3.103 ACTING MAYOR.

Pending the selection of a Mayor to fill a vacancy or in case of the Mayor's temporary absence or disability, the Mayor shall, by order delivered to the City Clerk, appoint an acting Mayor; or in the event the Mayor fails to designate such a person, the head of the Department of Finance shall temporarily act as Mayor; or if such department head be unable to act, Council shall appoint an acting Mayor. In any event, the person so appointed or designated shall, at the time of his appointment or designation, be an officer of the City, and shall not receive additional compensation for serving as acting Mayor.

SECTION 3.104 VACANCY IN OFFICE.

A vacancy in the office of Mayor, occurring for any reason, shall be filled in the same manner as that provided for filling vacancies in Council, except that in the event Council should fail to fill a short term vacancy within thirty days after its occurrence, the Governor of the State may fill the vacancy with a person possessing the requisite qualifications.

SECTION 3.105 COMPENSATION OF THE MAYOR.

Until otherwise fixed by ordinance, the Mayor shall receive a salary based upon the sum of \$15,000.00 per year.

ARTICLE IV

ADMINISTRATIVE DEPARTMENTS

CHAPTER 1. PERSONNEL SYSTEM

SECTION 4.100 MERIT SYSTEM.

Appointments and promotions in the administrative service of the City shall be made according to merit and fitness; and no person in the employ of the City or seeking employment with the City shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his race or his religious opinion or affiliations; provided, however, that Council may, by appropriate resolution or ordinance, require all employees of the City to take the oath prescribed in Section 4.102 of this article.

SECTION 4.101 CIVIL SERVICE.

Council may provide by ordinance for a classified civil service or merit system for all or any class of City employees.

SECTION 4.102 OATH, QUALIFICATIONS.

Each member of Council, the Mayor, the City Clerk and each director or chief of a City office, department or agency, including the Judge of the Municipal Court and the City Attorney, shall, before entering upon his duties, take and subscribe to the following oath

or affirmation, to be filed and kept in the office of the City Clerk: "I solemnly swear (or affirm) that I will support the Constitution of the United States of America and the Constitution of the State of West Virginia, and that I will faithfully discharge the duties of _____ to the best of my skill and judgment". When an officer or employee of the City shall have filed such oath, together with the certificate of the officer administering it, with the City Clerk and shall have given bond as required by law, he shall be considered as having qualified for the position to which he was elected or appointed; provided, however, that if any person so elected or appointed shall not qualify in the manner herein prescribed within 20 days after he shall have been officially declared elected or appointed thereto, said position shall by reason thereof become vacant.

SECTION 4.103 PERSONNEL POLICY.

Except as otherwise provided by general law or this Charter:

- (1) Council shall fix the salaries of the City employees and officers and may by ordinance define the duties of any City officer or employee. Neither Council nor any member thereof shall direct or in any manner interfere with or obstruct the appointment or removal of any City employee except an employee whom Council is authorized to employ and remove under the provisions of this Charter or general law. Except for the purpose of inquiry, Council and its members shall deal with the administrative service solely through the Mayor; and neither Council nor any member thereof shall give orders to any subordinates of the Mayor either publicly or privately. Violation of the provisions of this section by any Councilman shall constitute official misconduct. Nothing herein contained, however, shall prohibit any Councilman from bringing to the attention of the Mayor any facts or circumstances which may indicate misconduct or deficiency on the part of any personnel.
- (2) The Mayor shall cause to be prepared, and from time to time reviewed and revised, personnel rules which shall be considered by Council and adopted as proposed, or amended by Council and adopted, as in the case of an ordinance, or referred to the Mayor for additional study and reconsideration. The rules shall provide:
 - (a) For the classification of all City positions based on the duties, authority and responsibility of each position with adequate provision for reclassification of any position whenever warranted;
 - (b) Methods for determining the merit and fitness of candidates for appointment or promotion;
 - (c) The hours of work, attendance regulations and provisions for sick and vacation leave;
 - (d) The policies and procedures governing persons holding provisional appointments;
 - (e) The policies and procedures governing relationships with employee organizations;
 - (f) The policies regarding in-service training programs;
 - (g) Grievance procedures, including procedures for the hearing of grievances, and reduction in force and removal of employees; and
 - (h) Any other practices and procedures necessary to the administration of the City personnel system.

- (3) Whenever it is deemed necessary, except as otherwise provided with respect to provisional appointments, the officer or body having authority to appoint an officer or employee may appoint a temporary officer or employee, which such temporary appointment shall not extend beyond a term of 60 days.

SECTION 4.104 EMPLOYEES' RETIREMENT AND BENEFIT FUND.

Council may by ordinance establish and provide for the maintenance of any employees' retirement and benefit fund in accordance with general law; provided, however, that, until amended, repealed or re-enacted, all existing ordinances concerning pensions and pension funds shall continue in full force and effect; and nothing herein contained shall in any way affect the continuation or validity of any pensions already being paid by the City.

SECTION 4.105 RESTRICTIONS ON EMPLOYMENT.

No person who holds an elective public office shall, at the same time, be an employee or appointed officer of the City.

SECTION 4.106 PROHIBITIONS.

No person shall orally, by letter or otherwise, solicit, directly or indirectly, any assessment, subscription or contribution for any political purpose whatever from any person holding a position in the employ of the City; and no employee, except appointed administrative officers, of the City shall take any active part in the management or promotion of any political party or political campaign. Any person who, by himself or with others, willfully violates any of the provisions of this section shall be subject to such punishment as Council may by ordinance prescribe; and such person shall, for a period of five years, be ineligible for any Municipal appointment or employment; and, if he be an officer, other than a Councilman, or an employee of the City at the time of such violation, he shall immediately forfeit the office or position he holds; and such violation by a Councilman shall constitute official misconduct.

SECTION 4.107 APPOINTMENT, QUALIFICATIONS, REMOVAL AND DUTIES
OF PERSONNEL DIRECTOR.

There shall be a Personnel Director, appointed by the Mayor, with the approval of Council, for a term not to extend beyond the term of the Mayor making such appointment, and subject to removal by the Mayor.

Each Personnel Director appointed after the effective date of this paragraph shall be and remain a resident of the City. The Personnel Director shall perform such duties as may be prescribed by ordinance and such other duties, not inconsistent with the ordinances of the City, as the Mayor shall direct. (Enacted 10-15-85.)

CHAPTER 2. DEPARTMENT OF PUBLIC WORKS

SECTION 4.200 DIRECTOR OF PUBLIC WORKS, APPOINTMENT.

There shall be a Department of Public Works, the head of which shall be the Director of Public Works, who shall be appointed by the Mayor.

SECTION 4.201 DIRECTOR OF PUBLIC WORKS, QUALIFICATIONS.

The Director of Public Works shall be a person of proved executive and administrative ability and shall reside in the City during his period of employment.

SECTION 4.202 DIRECTOR OF PUBLIC WORKS, POWERS AND DUTIES.

Under the supervision, direction and control of the Mayor, the Director of Public Works shall:

- (1) Supervise construction, repair and maintenance of all streets, alleys, sidewalks and other public ways.
- (2) Subject to the provisions of Section 10.103 of this Charter, direct the operation, repair and maintenance of all Municipal public works including parks and places of recreation.

- (3) Subject to general law, this Charter and ordinances, perform such other duties as may from time to time be assigned to him by the Mayor.

SECTION 4.203 BUILDING CODE, ZONING AND RELATED ORDINANCES.

With the assistance of the City Engineer, as hereinafter provided, the Department of Public Works shall issue permits for and conduct inspections of buildings, building construction, plumbing, electrical, elevator and other building installations, and enforce the zoning ordinances of the City of Parkersburg and any similar or related land-use ordinances or laws.

SECTION 4.204 CITY ENGINEER.

Within the Department of Public Works, there shall be a City Engineer who shall be appointed by the Mayor.

SECTION 4.205 QUALIFICATIONS OF CITY ENGINEER.

The City Engineer shall be a professional engineer registered by the State of West Virginia and shall reside in the City during his period of employment.

SECTION 4.206 POWERS AND DUTIES OF THE CITY ENGINEER.

Under the supervision, direction and control of his superiors, the City Engineer shall:

- (1) Act as engineering advisor for the Mayor, Council and Municipal agencies, commissions and boards unless otherwise provided by law or ordinance;
- (2) Provide the engineering services for the City in the construction, purchase and maintenance of its facilities, public works, and equipment, except such services for the City as are performed by independent contractors or assigned to other offices, departments or agencies of the City, and, to the extent that any such services are performed by independent contractors, to inspect and certify, prior to acceptance and payment, the satisfactory performance of all work done for the City by independent contractors.
- (3) Supervise and regulate the issuance of permits for and the inspection of buildings, building construction, electrical, plumbing, elevator and other building installations; and
- (4) Maintain, as custodian for the City, all records, plats, maps, specifications, and similar documents pertaining to the public works, property, improvements and streets, and to furnish upon request at such fee as may hereafter be established by ordinance, copies, certified or not, of any such material held as custodian.

CHAPTER 3. DEPARTMENT OF FINANCE

SECTION 4.300 DIRECTOR OF FINANCE, APPOINTMENT AND QUALIFICATIONS.

There shall be a Department of Finance, the head of which, to be appointed by the Mayor, shall be the Director of Finance.

Each Director of Finance appointed after the effective date of this paragraph shall be a resident of the City. The Finance Director shall have knowledge of Municipal accounting and taxation and shall have had experience in budgeting and financial control.
(Amended 10-15-85.)

SECTION 4.301 DIRECTOR OF FINANCE, POWERS AND DUTIES.

Under the direction and control of the Mayor and subject to the provisions of this Charter, the Director of Finance shall have charge of and be responsible for the proper administration of the financial affairs of the City; and, to that end, he shall have authority and shall be required to:

- (1) Collect or provide for the collection of all taxes, special assessments, license fees and other revenues of the City, except as otherwise provided by general law, and receive all other moneys payable to the City;
 - (2) Maintain custody of all public funds belonging to or under the control of the City or any office, department or agency thereof and deposit such funds in such depositories as may be designated by resolution of Council, or, if no such resolution be adopted, in such depositories as may be designated by the Mayor;
 - (3) Supervise and be responsible for the disbursement of all moneys and control all expenditures to insure that budget appropriations are not exceeded; and, to that end, no proposed expenditures shall be made unless the same shall have been approved by the Director of Finance and shall be accompanied by a certification by the Director of Finance that there is available for the purpose an unencumbered balance and unexpended or potentially available funds in the proper item of appropriation;
 - (4) Maintain a general accounting system for the City and each of its offices, department and agencies; keep books for and exercise financial budgetary control over each office, department and agency; keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; and require reports of receipts and disbursements from each office, department and agency of the City to be made daily or at such intervals as he may deem expedient;
 - (5) Except as otherwise provided by general law, maintain custody of all investments and invested funds of the City, or in possession of the City in a fiduciary capacity, and of all bonds and notes of the City, and receive and deliver City bonds and notes for transfer, registration or exchange;
 - (6) Supervise and be responsible for all special assessments for the City and give such notice of special assessments as may be required by law;
 - (7) Be responsible for the preparation of all Municipal bond issues; and, in connection therewith, he shall have the authority, with the permission of the Mayor, to employ independent financial, engineering and legal counsel;
 - (8) Render such assistance to the Mayor as the Mayor may require in the preparation of monthly and yearly financial reports and in the preparation of the annual budget;
 - (9) Perform such other duties as may be required of him by this Charter, by general law or by City ordinance or order of the Mayor not inconsistent with this Charter or with general law; and
 - (10) Conduct or provide for the conduct of a complete and accurate annual physical inventory of all City owned equipment of the initial purchase value of \$100.00 or more; provided, however, that Council may by ordinance provide for the increase or decrease of the purchase value amount herein specified.
 - (11) Pursuant to rules and regulations established by ordinance, contract for and purchase all supplies, materials, equipment and services required for each office, department or agency of the City.
 - (12) Obtain and endorse specifications with respect to supplies, materials and equipment required by the City.
 - (13) Inspect or supervise the inspection of all deliveries of supplies, materials and equipment to determine their quality, quantity and conformity with specifications and provide for the distribution thereof to the appropriate office, department or agency;
 - (14) Have charge of general storerooms and warehouses; and
 - (15) Transfer to or between offices, departments or agencies or sell surplus, obsolete or unused supplies, materials and equipment.
- (Amended 11-2-04.)

SECTION 4.302 ACCOUNTING SUPERVISION AND CONTROL.

The Director of Finance shall have power and shall be required to:

- (1) Prescribe the forms of receipt, requisitions, vouchers, bills or claims to be used by the offices, departments and agencies of the City;
- (2) Examine and approve all contracts and other documents by which the City incurs financial obligations, having previously ascertained that moneys have been appropriated and allotted and will be available when the obligations shall become due and payable;
- (3) Audit and approve before payment all purchase orders, bills, invoices, payrolls and other evidence of claims, demands, or charges against the City and, with the advice of the City Attorney, determine the regularity, legality and correctness of such claims, demands or charges; and
- (4) Inspect and audit any accounts or records of financial transactions which may be maintained in any office, department or agency of the City apart from or subsidiary to the accounts kept in the office of the Director of Finance.

SECTION 4.303 FINES AND FEES SHALL BE PAID TO DEPARTMENT OF FINANCE.

All fines and fees received by an officer or employee shall be paid to the Department of Finance daily, or at such intervals as Council may prescribe.

SECTION 4.304 COMPETITIVE BIDDING.

Before the City Director of Finance shall make any purchase of or contract for supplies, materials or equipment, he shall give ample opportunity for competitive bidding, under such general rules and regulations, and with such general exceptions, as Council may prescribe; provided, however, that Council shall not except particular contracts, purchases or sales from the requirement of competitive bidding. (Added 11-2-04.)

**CHAPTER 4. PURCHASING DEPARTMENT
(Repealed by voters 11-2-04)**

CHAPTER 5. CITY ATTORNEY

SECTION 4.500 QUALIFICATIONS, SELECTION AND TENURE.

There shall be a City Attorney who shall possess the same qualifications as those required of the Municipal Judge. The City Attorney shall be appointed by the Mayor with the approval of Council to serve for a term not to extend beyond the term of the Mayor appointing him.

SECTION 4.501 POWERS AND DUTIES.

The City Attorney shall perform all duties and exercise all powers which shall be imposed or conferred upon him by ordinance or resolution of Council; and, except as otherwise provided in this Charter, he shall:

- (1) Act as legal adviser and attorney for Council, the Mayor, Municipal administrative boards or commissions for which legal counsel is not otherwise provided and any other Municipal officers or employees in the performance of their official duties; and upon request he shall furnish Council, the Mayor and such administrative boards or commissions a written opinion upon any question of law concerning any affairs of the City;
- (2) Except as other counsel are provided by competent authority, prosecute all actions for and defend all actions against the City; and prosecute all cases brought before or appealed from the Municipal Court, and perform the same duties so far as they are applicable thereto as are required by law of prosecuting attorneys; and
- (3) Maintain and preserve as permanent records of the City Attorney's office all legal files, records and papers pertaining to the business of the office and the legal affairs of the City for which he is responsible.

SECTION 4.502 ASSISTANT CITY ATTORNEYS.

The City Attorney may recommend, and the Mayor may appoint, one or more lawyers to assist the City Attorney in the discharge of his regular official duties. Such Assistant City Attorney or Attorneys shall take the same oath and possess the same qualifications as the City Attorney, and, under the direction and supervision of the City Attorney, assist the City Attorney in his duties.

SECTION 4.503 SPECIAL COUNSEL.

Whenever the exigencies of the business of the City require such action, the Mayor shall have the right to employ special counsel to assist the City Attorney.

ARTICLE V
FINANCIAL PROCEDURES

SECTION 5.100 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of July of each year and end on the last day of June of the following calendar year.

SECTION 5.101 SUBMISSION OF BUDGET AND BUDGET MESSAGE.

On or before the 15th day of February of each year, the Mayor shall submit to the Council a budget for the ensuing fiscal year and an accompanying message.

SECTION 5.102 BUDGET MESSAGE.

The Mayor's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any Major changes from the current year in financial policies, expenditures and revenues, together with the reason for such changes, summarize the City's debt position and include such other material as the Mayor deems desirable.

SECTION 5.103 BUDGET.

The budget shall provide a complete financial plan of all City funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form and contain information as the Mayor deems desirable or the Council may require. In organizing the budget the Mayor shall utilize the most feasible combination of expenditure classification by fund, organization unit, program, purpose or activity, and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure; and
- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the City and the proposed method of its disposition. Subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

Without respect to the net surplus or deficit of any utility operated by the City, the total of proposed expenditures shall not exceed the total of estimated income.

SECTION 5.104 CAPITAL PROGRAM.

- (1) Submission to Council. The Mayor shall prepare and submit to the Council a five-year capital program at least three months prior to the final date for submission of the budget.
- (2) Contents. The capital program shall include:
 - (a) A clear general summary of its contents;
 - (b) A list of all capital improvements which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (c) Cost estimates, method of financing and recommended time schedules for each such improvements; and
 - (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

SECTION 5.105 COUNCIL ACTION ON BUDGET.

- (1) Notice and Hearing. The Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:
 - (a) The times and places where copies of the message and budget are available for inspection by the public, and
 - (b) The time and place, not less than two weeks after such publication, for a public hearing on the budget.
- (2) Amendment Before Adoption. After the public hearing, the Council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit; provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.
- (3) Adoption. The Council shall adopt the budget on or before the date it enters its order adopting the statutory levy estimate and laying the levies, but in any event not later than the 31st day of May in the fiscal year currently ending. Adoption of the budget shall constitute appropriations of the amounts specified herein as expenditures from the funds indicated.

Adoption shall be by resolution. The levy order and State required budget form shall be adopted by separate resolutions except that State required estimates and budget form may be approved in the same resolution by which the City budget is adopted. (Amended 10-15-85.)

SECTION 5.106 COUNCIL ACTION ON CAPITAL PROGRAM; NOTICE AND HEARING.

The Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:

- (1) The time and place where copies of the capital program are available for inspection by the public; and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

The capital program shall be adopted by Council by separate resolution or as part of the budget resolution. Appropriations for the current fiscal year contained in the capital program may not be exceeded or diverted to purposes other than those provided in the capital program budget except by amendment to the budget.
(Amended 10-15-85.)

SECTION 5.107 PUBLIC RECORDS.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the City.

SECTION 5.108 ADMINISTRATION OF BUDGET.

At such time as the Mayor shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year showing the requested allotments of its appropriation by periods within the year. The Mayor shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems it desirable and shall revise them to accord with any supplemental, emergency, reduced or transferred appropriations, subject to any limitations imposed by general law.

SECTION 5.109 FISCAL PLANNING COMMISSION; COUNCIL AUTHORIZED TO CREATE.

Council shall consider and may adopt an ordinance creating a fiscal planning and reporting commission.

ARTICLE VI MUNICIPAL COURT

SECTION 6.100 JURISDICTION.

There shall be a Municipal Court for the City. Except as expressly prohibited by general law, the Municipal Court shall have all the inherent powers of the magistrate court with respect to proceedings within its jurisdictions. (Amended 10-15-85.)

SECTION 6.101 MUNICIPAL JUDGE, QUALIFICATIONS.

The Judge of the Parkersburg Municipal Court shall be an attorney licensed to practice law in the State of West Virginia, a resident and qualified voter of the City and duly qualified to practice before the Circuit Court of Wood County.

SECTION 6.102 MUNICIPAL COURT JUDGE, METHOD OF SELECTION, TERM OF OFFICE.

The Judge of the Municipal Court shall be appointed by the Mayor and approved by Council for a term which shall not extend beyond the term of the Council by which he is approved; and during his term he shall not be removed except for cause under the provisions of general law; provided, however, that should the Municipal Judge become physically or mentally incapacitated to the extent that, in the opinion of the Mayor, he is unable to perform properly the functions of his office, the Mayor may declare the office vacant.

SECTION 6.103 ACTING MUNICIPAL JUDGE.

In the event of the temporary absence of the Municipal Judge from his duties, the Mayor shall appoint a person similarly qualified to serve as Municipal Judge during such absence without the necessity of Council approval.

SECTION 6.104 MUNICIPAL JUDGE, POWERS AND DUTIES.

The Judge of the Municipal Court shall preside over the Municipal Court and, with respect to offenses over which the Municipal Court has jurisdiction, he shall have all the powers and duties which a justice of the peace has with regard to violations of the criminal laws of the State of West Virginia. The Municipal Judge shall have power to issue warrants upon complaint under oath of any person or officer for the arrest of anyone charged with any offense in the jurisdiction of the Court or for search in connection with the violation of a Municipal ordinance. The Municipal Judge shall try and determine all cases over which the Court has jurisdiction and, within the limits prescribed by ordinance or by general law, shall have the power to punish by fine or imprisonment, or both. The Municipal Judge shall have power to summons persons or subpoena witnesses for the trial of any case before him, to compel the attendance of police officers of the City, to require the Chief of Police to enforce all judgments or orders entered by him in the exercise of his powers as police judge and to issue executions for all fines, penalties and costs imposed by him. The proceedings for the recovery of fines or for the enforcement of penalties fixed by any ordinance or law shall, so far as applicable, conform to the provisions of general law governing civil proceedings before a justice of the peace of the State of West Virginia. The Municipal Judge shall have such other powers and duties which Council may by ordinance provide pursuant to general law.

SECTION 6.105 MUNICIPAL COURT, PROCESS.

All warrants and other processes and orders of the Municipal Court shall be signed by the Municipal Judge and may be directed to the Chief of Police, to be executed by him or by one of his subordinates at any place within Wood County. The officer executing any such process or order shall have the same liability as a Sheriff of the State of West Virginia in the performance of like services.

SECTION 6.106 FINES AND FEES.

All fines and fees received by the Municipal Court or the Judge thereof shall be paid to the Department of Finance to be disposed of as prescribed by ordinance or by general law.

**ARTICLE VII
NOMINATIONS AND ELECTIONS****SECTION 7.100 GENERAL ELECTION LAWS TO CONTROL; TERMS OF OFFICERS.**

Except as otherwise herein provided, the provisions of general law with respect to primary and general elections, so far as they may be applicable, shall govern the method of nominating and electing the Mayor and members of Council, whose terms of office shall be for a period of four years, and of electing the members of the Municipal executive committees, whose terms shall be for the same period.

SECTION 7.101 PRIMARY ELECTIONS; TIME, PLACE AND
CERTIFICATES OF CANDIDACY.

Except as otherwise herein provided respecting the first officers to be elected under this Charter, primary elections shall be held at the voting places in each of the election districts of the City for the purpose of nominating candidates for the ensuing general Municipal election and of electing members of political party Municipal executive committees, on the first Tuesday after the second Monday in October in the year 1973 and in each fourth year thereafter.

In the year two thousand and eight and each fourth year thereafter the primary election shall be held on the second Tuesday in May.

Any eligible person desiring such nomination for any Municipal elective office (or election to the office of member of any political party executive committee) shall file with the City Clerk a certificate declaring himself to be a candidate for the nomination for such office (or election as member of a party executive committee), which certificate must be received by the Clerk as set forth and prescribed by State Law (W. Va. Code Chapter 3-5-7), and which certificate shall be in form or effect as follows:

CERTIFICATE OF CANDIDACY

I, _____ hereby certify that I am a candidate for (the nomination for) (election to) the office of _____ to represent the _____ party, and desire my name printed on the official ballot of said party to be voted at the primary election to be held on the _____ day of _____, 20____; that I am a legally qualified voter of The City of Parkersburg, Wood County, West Virginia; that my residence is _____ in said City; that I am eligible to hold the said office; that I am a member of and affiliated with said political party; and that I am a candidate for said office in good faith.

Candidate

Signed and acknowledged before me this _____ day of _____, 20____

Notary Public in and for Wood County,
West Virginia

(or some other officer qualified to
administer oaths)

In order to achieve the transition from odd numbered to even numbered year elections as provided in this section as hereby amended, the terms of the Mayor-elect, Councilmen-elect and the Municipal executive committee members-elect, whose terms of office are to commence in January 2006, and were to expire in January 2010, shall be reduced by one (1) year thereby ending on the first Monday of January 2009, that being a term of three (3) years. All subsequent terms of office for Mayor, Councilman and Municipal executive committee member shall be four (4) years as set for in Section 7.100 of this Charter.
(Amended 11-8-05.)

SECTION 7.102 TERMS OF MEMBERS OF EXECUTIVE COMMITTEES.

The terms of office of the members of Municipal executive committees elected hereunder shall begin upon the issuance of their certificates of election. The terms of all such committee members shall continue until their successors are elected and qualified. Until the first Municipal executive committees elected hereunder assume office, the members of the County executive committees, residing within the City, shall constitute the Municipal executive committees pro tem.

SECTION 7.103 GENERAL ELECTIONS; TIME AND PLACE.

Except as otherwise herein provided respecting the election of the first officers to be elected under this Charter, general elections for the offices of Mayor and members of Council shall be held at such voting places on the first Tuesday after the first Monday in November in the year 2008 and in each fourth year thereafter, the officers elected thereat to assume office on the first Monday in January of the year immediately following their election, the terms thereof to expire as soon as their successors are elected and qualified.
(Amended 11-8-05.)

**SECTION 7.104 FIRST OFFICERS UNDER THIS CHARTER;
NOMINATIONS, ELECTION AND TERMS.**

The first primary election under the provisions of this charter shall be held on Tuesday, July 14, 1970; and the first such general Municipal election shall be held on Tuesday, July 28, 1970, to elect officers, whose terms shall begin on August 17, 1970, and expire as soon after December 31, 1973, as their successors are elected and qualified. The appropriate certificates of candidacy for such first primary election shall be filed on or before July 6, 1970.

SECTION 7.105 CONTINUITY OF PRESENT GOVERNING BODY.

On and after the first day of July, 1970, the Municipal governing body, as then and theretofore constituted, and its administrative officers, shall continue to exercise the powers and duties given them by the Charter under which they were elected and appointed and shall, in addition thereto, exercise such powers and duties as are given to and imposed upon them by this Charter, expressly or impliedly, for conducting the first primary and general elections under this Charter. The members of said existing Municipal governing body shall so serve until the first officers elected under this Charter shall have been elected and qualified, at which time their terms shall end.

SECTION 7.106 COUNCIL TO PROVIDE FOR INDEPENDENT PARTY OR GROUP PARTICIPATION.

Council shall by ordinance provide a method for parties or groups which do not meet the requirements of law for classification as a political party to participate in the primary and general Municipal elections.

SECTION 7.107 MUNICIPAL PARTY EXECUTIVE COMMITTEES; HOW COMPOSED.

Each Municipal party executive committee shall be composed of one male and one female elected from each Municipal election district.

SECTION 7.108 COUNCIL TO CANVASS RETURNS.

Council as the governing body shall open, canvass, declare the winners and hear all election contests and decide all questions regarding the administration, holding of elections. The City Clerk shall be the Clerk of all such elections but shall be assisted by deputy clerks and ballot commissioners representative at least of the two political parties whose candidates for Mayor receive the highest number of votes in the last municipal election. (Enacted 10-15-85.)

ARTICLE VIII
INITIATIVE, REFERENDUM AND RECALL

SECTION 8.100 INITIATIVE.

The qualified voters of the City shall have power to propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a City election; provided that such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

SECTION 8.101 REFERENDUM.

The qualified voters of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a City election; provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

SECTION 8.102 PETITIONS.

- (1) Number of Signatures. Initiative and referendum petitions must be signed by qualified voters of the City equal in number to at least 15 percent of the total number of qualified voters registered to vote at the last regular (as distinguished from primary or special) City election.
- (2) Form and Content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil in the handwriting of the signer and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed and shall cite by title the ordinance sought to be reconsidered.
- (3) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (4) Time for Filing Referendum Petitions. Except as may be otherwise provided by general law, referendum petitions must be filed within 30 days after adoption by the Council of the ordinance sought to be reconsidered.

SECTION 8.103 PROCEDURE.

- (1) Filing Petitions. Any qualified voter or voters, or an attorney-at-law acting in their behalf, may file such petitions by delivering the assembled instrument to the City Clerk together with the affidavit of such voter or voters, stating the name or names of such voters as petitioners' committee and one address, of a voter or the attorney-at-law, to which all notices are to be sent, and setting out in full the proposed initiative ordinance or citing by title the ordinance sought to be reconsidered.
- (2) Certificate of Clerk, Amendment. Within twenty days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee at the address so provided by certified mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two days after receiving the copy of his certificate and files a supplemental petition upon additional papers within ten days after receiving the copy of such certificate. Such supplemental

petition shall comply with the requirements of Section 8.102(2) and (3); and within five days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under subsection (3) of this section within the time required, the Clerk shall promptly present his certificate to the Council, and the certificate shall then be a final determination as to the sufficiency of the petition.

- (3) Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
- (4) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose, except in the case of referendum when the applicable time limit has expired.

SECTION 8.104 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE.

When a referendum petition is timely filed with the City Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) There is a final determination of insufficiency of the petition, or
- (2) The petitioners' committee withdraws the petition, or
- (3) The Council repeals the ordinance, or
- (4) Upon final certification of the results of the City-wide vote favoring the ordinance.

SECTION 8.105 ACTION ON PETITIONS.

- (1) Action by Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided for the enactment of ordinances or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the City.
- (2) Submission to Voters. The vote of the City on a proposed or referred ordinance shall be held not less than 30 days and not later than one year from the date of the final Council vote thereon. If no regular City election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise the vote shall be held at the same time as such regular election,

except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinances shall be made available at the polls.

SECTION 8.106 RESULTS OF ELECTION.

- (1) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- (2) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

SECTION 8.107. POWER OF RECALL.

The qualified voters shall have the power to recall the Mayor or any member of Council, whether elected by popular vote or selected to fill a vacancy, and may exercise such power by filing with the City Clerk a petition signed by qualified voters of the City equal in number to at least 20 percent of the total number of qualified voters registered to vote at the last regular City election. The petition shall be signed and verified in the manner required for initiative and referendum petitions, shall contain a demand for the removal of the subject officer or officers and shall contain a general statement of the reasons for which the removal is sought.

SECTION 8.108 ELECTION UNDER RECALL PETITION.

Thereafter, if the petition is certified as sufficient, in accordance with the procedures applicable to initiative and referendum petitions, Council shall cause a special election to be held in not less than 30 days nor more than 90 days from the date of such certification unless a general Municipal election shall occur within 120 days from such date. The published notice of such election shall contain the reasons for demanding the recall in not more than 200 words and a justification by the subject officer within the same limits; provided, however, that if the petition seeks to recall more than one officer, each may provide a justification of not more than 100 words. Ballots shall be in the following form:

"Shall _____ be removed (from the Council)

(as Mayor) of The City of Parkersburg?

_____ For the recall of _____

_____ Against the recall of _____."

Upon certification of the results of the election, if a majority of those voting on the question have favored recall, the office of the officer so recalled shall be vacant.

SECTION 8.109 FILLING VACANCY CAUSED BY RECALL.

When a vacancy occurs as the result of a recall election or when an officer resigns after a recall petition certified by the City Clerk to be sufficient is presented to Council, the vacancy shall be filled in accordance with the provisions of this Charter relating to the filling of vacancies in the respective offices involved.

SECTION 8.110 LIMITATIONS ON RECALL.

No recall petition shall be filed against any officer within six months after he takes office, and no officer shall be subjected to more than one recall election during a term of office.

**ARTICLE IX
SUCCESSION IN GOVERNMENT****SECTION 9.100. CONTINUITY OF ADMINISTRATIVE PERSONNEL AND OFFICES.**

All persons holding administrative positions in the City government at the time this Charter takes effect shall continue in such positions and in the performance of their duties until dismissed or removed by the Mayor or other empowered authority. The powers conferred and the duties imposed upon any office, department or agency of the City by general law shall, if such office, department or agency be abolished by this Charter or under its authority, be thereafter exercised and discharged by the office, department or agency designated by Council unless otherwise provided in this Charter.

SECTION 9.101 CONTINUITY OF OFFICES, DEPARTMENTS OR AGENCIES.

Any office, department or agency provided for in this Charter with a name or with powers and duties the same or substantially the same as those of an office, department or agency heretofore existing shall be deemed to be a continuation of such heretofore existing office, department or agency. Any provision in any law, rule, regulation, contract, grant or other document relating to such heretofore existing office, department or agency shall, so far as not inconsistent with the provisions of this Charter, apply to such office, department or agency provided for by this Charter.

SECTION 9.102 TRANSFER OF RECORDS AND PROPERTY.

All records, property and equipment whatsoever of any office, department or agency or part thereof, all the powers and duties of which are assigned to any other office, department or agency by this Charter, shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned. If part of the powers and duties of any office, department or agency or part thereof are by this Charter assigned to another office, department or agency, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, department or agency to which such powers and duties are so assigned.

SECTION 9.103. SUCCESSION IN INTEREST; PENDING ACTIONS AND PROCEEDINGS.

The City of Parkersburg, as successor in interest of the present Municipal corporation of the same name, shall succeed to, own, possess and enjoy all the property and all the rights, titles and interests of every kind and nature vested in or belonging to such Municipal corporation at the time this Charter becomes effective. No action or proceeding, civil or criminal, pending at the time this Charter takes effect, brought by or against the City or any office, department or agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained; and no such action or proceeding shall abate by reason of the fact that functions, powers and duties of any office, department, agency or officer party thereto may by or under this Charter be assigned or transferred to

another office, department, agency or officer, but in that event the same may be prosecuted or defended by the head of the office, department or agency to which such functions, powers and duties have been assigned or transferred by or under this Charter.

SECTION 9.104 EFFECT ON EXISTING LAW.

All existing ordinances and resolutions and all existing administrative rules, regulations and practices, if not inconsistent or in conflict with this Charter, shall continue in full force and effect until repeal or modified by Council or other competent authority of the City. All ordinances, resolutions, rules, regulations and practices that are inconsistent or in conflict with this Charter shall, unless sooner repealed or modified, continue in full force and effect for a period of 60 days and at the end of that period shall, to the extent of such inconsistency or conflict, be of no further force or effect.

ARTICLE X GENERAL PROVISIONS

SECTION 10.100 CHIEF OF POLICE.

The Chief of Police shall be appointed by the Mayor with the approval of Council to serve for an indefinite term. The Chief of Police shall be a person of proved executive and administrative ability with experience or training in law enforcement. Subject to the direction and control of the Mayor, the Chief of Police shall be responsible for the supervision and administration of the Police Department and shall require of all police officers the proper discharge of their duties. He shall see to the protection of property and the preservation of peace, order and public safety throughout the City, and, to that end, he shall cause all violators of the City ordinances and of general law to be apprehended and brought to trial before the Municipal Court or other proper tribunal. Under the direction of the Mayor, he shall also perform such other duties as may be required of him by this Charter, by general law or by City ordinance or order of the Mayor not inconsistent with this Charter or with general law. The Chief of Police may be removed by the Mayor with the concurrence of a majority of Council or by a vote of at least two-thirds of the members of Council.

Each Chief of Police hereafter appointed shall be a resident of the City and, being a resident of the City, shall not remove his or her residence from the City during the term of such appointment. Council shall be the judge of the residence qualification of the Chief, who shall promptly report each change of residence to the Council.
(Amended 10-15-85.)

SECTION 10.101 CHIEF OF FIRE DEPARTMENT.

The Chief of the Fire Department shall be appointed by the Mayor with the approval of Council to serve for an indefinite term. The Chief of the Fire Department shall be a person of proved executive and administrative ability, with experience or training in the suppression and prevention of fires. Subject to the direction and control of the Mayor, the Chief of the Fire Department shall be responsible for the supervision and administration of the Fire Department and shall require of all firemen the proper discharge of their duties. He shall make such inspection of buildings and property throughout the City as may be necessary to discover fire hazards, shall take all proper measures to eliminate such hazards and shall keep an accurate record of all fires, inspections and fire hazards within the City. Under the direction of the Mayor, he shall also perform such other duties as may be required of him by this Charter, by general law or by City ordinance or order of the Mayor not inconsistent with this Charter or general law. The Chief of the Fire Department may be removed by the Mayor with the concurrence of a majority of Council or by a vote of at least two-thirds of the members of Council.

Each Chief of the Fire Department hereafter appointed shall be a resident of the City and, being a resident of the City, shall not remove his or her residence from the City during the term of such appointment. Council shall be the judge of the residency qualification of the Chief who shall promptly report each change of residence to the Council.
(Amended 10-15-85.)

SECTION 10.102 HOSPITALS.

As provided by general law, the City may own and operate a hospital or other health services, including Camden-Clark Memorial Hospital, by a board of trustees, who shall serve without compensation. Such hospital shall be operated as an entity separate from all other functions of the City and free from the operative control of Council or any executive officer or agency of the City, and under such regulations as said board may from time to time prescribe. The board shall have fifteen members, as presently constituted, with the same members and for the same terms, except that the Mayor, or his designee, from time to time, shall be an ex-officio member in the stead of a member of Council, as heretofore provided. Such board shall be otherwise self-perpetuating, but Council shall confirm or reject all persons nominated thereto by the board, as present terms expire or vacancies occur. Nothing herein contained shall be construed as prohibiting Council from providing for the operation of such facility by lease as authorized by general law; but any such lease shall contain such covenants as to reasonably assure nonprofit operation thereof in the public interest with right of termination in favor of the City in the event of breach.

SECTION 10.103 SANITARY BOARD; APPOINTMENT.

The Sanitary Board, as it is now established, shall be continued in effect, insofar as it complies with the provisions of general law; provided, however, that the Sanitary Board shall be composed of the Mayor, who shall be the Chairman of the Board, and two other persons appointed by the Council, one of whom shall be a registered professional engineer. Such Sanitary Board, so composed, shall continue in existence and operation only until such time as Council performs the duty required of it by Section 10.104 of this article.

SECTION 10.104 COMBINED WATERWORKS AND SEWERAGE SYSTEM.

Council shall, as soon as practicable, proceed under the provisions of the statute permitting it, West Virginia Code Chapter 8, Article 20, to combine the existing waterworks and sewerage systems into a single entity. Such combined waterworks and sewerage system shall be under the supervision and control of an independent utility board as authorized by the provisions of West Virginia Code 8-20-18, from which members of City Council and City department heads shall be excluded, and such utility board shall have and be limited to all the powers, authority and duties granted to and imposed upon a board as provided in West Virginia Code Chapter 8, Article 16. The number of members of said utility board and the manner of appointment of said members shall be determined by ordinance. From and after the adoption of said ordinance, all the powers and duties of the existing Sanitary Board shall pass to and vest in the newly created Utility Board and said Sanitary Board shall be dissolved. (Amended 5-14-96.)

SECTION 10.105 BONDS.

Before entering upon the duties of their employment, the Mayor, the Director of Finance, the Purchasing Agent, the Judge of the Municipal Court and such other personnel of the City as Council may require so to do, shall give bond for the faithful performance of their duties, payable to the State of West Virginia in such amounts and with such corporate surety as may be approved by Council. Council may provide for obtaining a blanket bond covering all City employees, designating specific employees whose bond shall be in excess of the amount of the blanket bond. The premiums on such bond or bonds shall be paid by the City after it has been ascertained that the premiums are not in excess of the premium schedule filed by the bonding company with the Insurance Commissioner of West Virginia. All bonds shall be subject to approval of the City Attorney as to form and substance and, when so approved, shall be endorsed with his signature.

SECTION 10.106 SEPARABILITY CLAUSE.

If any article, section, subsection, paragraph, sentence or clause of this Charter is for any reason held invalid or unconstitutional, such holding shall not affect the validity, constitutionality or application of any other portion of this Charter.

SECTION 10.107 REFERENCE TO GENERAL LAW.

A reference contained in this Charter to a provision of general law shall be construed to mean the provision as it now exists or as it may hereafter be amended. Where additional sections are added to the subject matter of a provision of general law referred to in this Charter, the reference shall include such additional sections.

SECTION 10.108 SUNDAYS AND LEGAL HOLIDAYS; SATURDAY COUNCIL PROCEEDINGS LAWFUL.

Whenever under the provisions of this Charter or any ordinance, rule, regulation or order, it is required that a meeting be held or that an act be done on a date which is a Saturday, Sunday, legal holiday or a day which is not an ordinary working day in the Municipal government, the ensuing secular day, or ordinary working day respectively shall be taken as meant and intended. Notwithstanding the provisions of this section Council and its committees shall be permitted to meet in regular or special session on any Saturday. (Amended 10-15-85.)

SECTION 10.109 LOSS OF QUALIFICATION BY OFFICER OR EMPLOYEE; VACANCY CREATED.

In the event it shall come to the attention of the appointing official that any officer or employee of the City shall, subsequent to his election, appointment or employment, cease to possess any of the requisite qualifications provided for his office or position, or if any such officer or employee shall resign or become physically or mentally incapacitated to the point he cannot perform his duties, then the appointing official shall declare a vacancy. Such vacancy shall be filled pursuant to applicable law. (Amended 10-15-85.)

SECTION 10.110 CONFLICT OF INTEREST.

Any City officer or employee who has a substantial financial interest, direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City or in the sale of any land, material, supplies or services to the City or to a contractor supplying the City shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as a City officer or employee in the making of such sale or in the making or performance of such contract. Any City officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a sale to the City shall render the contract or sale voidable by the Mayor or Council.

SECTION 10.111 CENTRAL GARAGE AND MOTOR POOL.

There shall be a central garage, service center and motor pool, wherein all automobiles and other vehicles owned by the City shall be maintained, serviced and repaired and from which the head of any department, commission or agency, or his designee, shall requisition the use of any such automobiles or other vehicles as may be required by him or it. The Mayor, or his designee, shall establish and promulgate such rules and regulations respecting such facility as to effect the greatest possible economy and efficiency in its operation.

CERTIFICATE

In witness of the completed Charter draft, the undersigned members of the Charter Board, after the conclusion of the public hearings and consideration of changes considered necessary or desirable by members of the Board (as more fully appears from the minutes of meeting of the Board held August 21, 1969,) have hereunto signed their names.

Carle L. Lewis
Joseph P. Albright
Leo M. Tyson
Carl E. Stephens
Robert A. Atkinson
Vernon Paul James
Russell W. Barrett
Richard M. Richmond
George E. Farley
Wilbur E. Ruehl
E. Wayne Stanley

APPENDIX A

W.Va. Code, §8-11-4. ORDINANCE PROCEDURES.

(a) Notwithstanding any Charter provision to the contrary, which Charter provision was in effect on the effective date of this section, it shall not be necessary, except where otherwise provided in this Code, for the governing body of any municipality to publish in a newspaper any proposed ordinance prior to the adoption thereof or any enacted ordinance subsequent to the adoption thereof, and any and all ordinances of every municipality shall be adopted in accordance with the following requirements, except where different or additional requirements are specified in other provisions of this Code, in which event such other different or additional requirements shall be applicable.

- (1) A proposed ordinance shall be read by title at not less than two meetings of the governing body with at least one week intervening between each meeting, unless a member of the governing body demands that the ordinance be read in full at one or both meetings. If such demand is made, the ordinance shall be read in full as demanded.
- (2) At least five days before the meeting at which a proposed ordinance, the principal object of which is the raising of revenue for the Municipality, is to be finally adopted, the governing body shall cause notice of the proposed adoption of said proposed ordinance to be published as a Class 1-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this Code, and the publication area for such publication shall be the Municipality. The notice shall state the subject matter and general title or titles of such proposed ordinance, the date, time and place of the proposed final vote on adoption, and the place or places within the Municipality where such proposed ordinance may be inspected by the public. A reasonable number of copies of the proposed ordinance shall be kept at such place or places and be made available for public inspection. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

- (3) A proposed ordinance shall not be materially amended at the same meeting at which finally adopted.

(b) Notwithstanding any charter provision to the contrary, which Charter provision was in effect on the effective date of this section, the governing body of any municipality may adopt, by ordinance, building codes, housing codes, plumbing codes, sanitary codes, electrical codes, fire prevention codes, or any other technical codes dealing with general public health, safety or welfare, or a combination of the same, or a comprehensive code of ordinances, in the manner prescribed in this subsection (b). Before any such ordinance shall be adopted, the code shall be either printed or typewritten and shall be presented in pamphlet form to the governing body of the Municipality at a regular meeting, and copies of such code shall be made available for public inspection. The ordinances adopting such Code shall not set out said Code in full, but shall merely identify the same. The vote on adoption of said ordinance shall be the same as on any other ordinance. After adoption of the ordinance, such Code or Codes shall be certified by the Mayor and shall be filed as a permanent record in the office of the recorder, who shall not be required to transcribe and record the same in the ordinance book as other ordinances are transcribed and recorded. Consistent with the provisions of subsection (a) of this section, it shall not be necessary that any such ordinance, either as proposed or after adoption, be published in any newspaper, and it shall not be necessary that the Code itself be so published, but before final adoption of any such proposed ordinance, notice of the proposed adoption of such ordinance and Code shall be given by publication as herein provided for ordinances the principal object of which is the raising of revenue for the Municipality, which notice shall also state where, within the Municipality, the Code or Codes will be available for public inspection.

(c) By a charter framed and adopted, revision of a charter as a whole, or a charter amendment or amendments, as the case may be, subsequent to the effective date of this section, a City may require any or all ordinances to be published in a newspaper prior to the adoption thereof, may expressly adopt the provisions of this section, may specify other additional requirements for the enactment of ordinances, or may prescribe a procedure for the enactment of ordinances in greater detail than prescribed in this section, but a City shall not, except in an emergency as specified in subsection (d) of this section or except as otherwise provided in this Code, have the power and authority to lessen or reduce the requirements of this section.

(d) The governing body of a municipality may enact an ordinance without complying with the rules prescribed in this section only (1) in the case of a pressing public emergency making procedure in accordance with the provisions of this section dangerous to the public health, safety or morals, and by affirmative vote of two-thirds of the members elected to the governing body, or (2) when otherwise provided in this Code. The nature of any such emergency shall be set out in full in the ordinance.

APPENDIX B
REPORT OF THE CHARTER BOARD

The City of Parkersburg has operated for the past forty years under the commission form of City government. In that time, the inherent weaknesses of this form have become apparent. These weaknesses include the placing of both legislative authority and administrative authority in the same hands namely in the elected commission. The commission plan offers no opportunity for sound budgeting practices; there is no practical way to coordinate a planned expenditure program among five independent administrative authorities. There is no single responsible executive in the commission plan; this makes impossible a unified public policy, as well as a known and effective responsibility.

After due consideration of the plans of city government available under the Home Rule Statute (city manager, strong mayor, mayor council, commission,) the Charter Board proposes that the new Charter for the City of Parkersburg be based on the strong mayor plan.

The Mayor shall be elected at large under the general election laws of the State. He shall be the chief administrative officer of the City with supervision over all executive and administrative work of the City and shall appoint all City officers and employees. He shall have the authority and responsibility to carry out the duties vested in him by this Charter, ordinance of Council or general law in the best interests of the citizens of this City.

The Council shall have all the legislative powers of the City vested in it. The Council shall consist of nine members elected from nine Municipal election districts on a partisan basis. The Council will meet at least twice a month and will be responsible for providing by ordinance the rules and procedures under which the Mayor is to administer the City government.

All appointments and promotions in the administrative service of the City are to be made according to merit and fitness. Persons holding any office or employed under the present government will be retained under the new Charter.

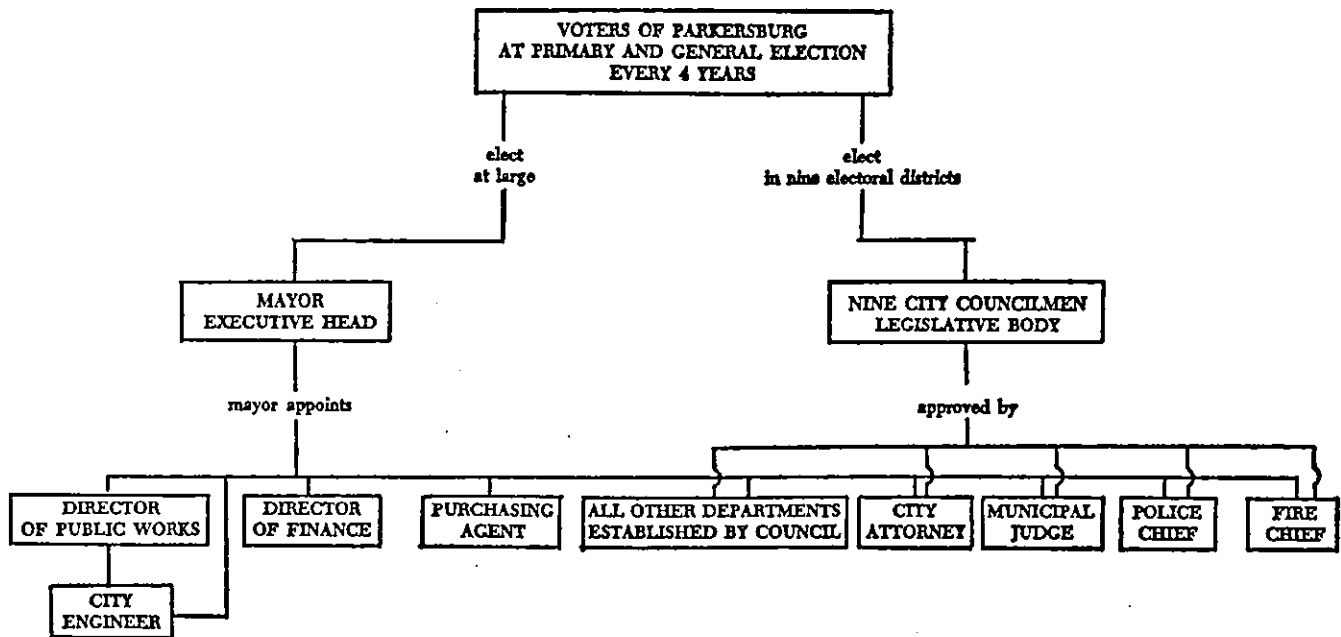
The new Charter provides for departments of Public Works, Finance, Purchasing, Fire and Police; other departments may be established by Council.

The primary election for the first Mayor and Council under this Charter will be held on Tuesday, July 14, 1970; and the first general election will be held Tuesday, July 28, 1970. The Mayor and Council so elected will take office August 17, 1970, and hold office until their successors are elected and qualified on or after December 31, 1973.

The Mayor and Council will be elected every four years. The primary will be held on the first Tuesday after the second Monday in October in the year 1973 and every fourth year thereafter. The general election will be held the first Tuesday after the first Monday in November in the year 1973 and every fourth year thereafter. The officers of each new administration will take office on the first Monday in January after their election.

This Charter has been completed after long and searching deliberations by the members of the Charter Board. It is the feeling of the Board that it will provide a practical and workable framework for the government of the City of Parkersburg, and the Charter Board unanimously recommends its adoption by the citizens of Parkersburg.

APPENDIX C
STRUCTURE OF GOVERNMENT UNDER PROPOSED CHARTER



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CODIFIED ORDINANCES OF PARKERSBURG, WEST VIRGINIA

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EDITOR'S NOTE

The arrangement and numbering of the Codified Ordinances into component codes, chapters, articles and sections are based on an adaption of the decimal numbering system which is in accord with the best accepted practice in instituting a codification. Each section is self-identifying as to code, article and section number. For example, 305.06 indicates that the code number is 3, the article number is 305 (or the 5th article within code 3), and the section number is .06. The code and article numbers appear left of the decimal, with the code number preceding the first two digits left of the decimal, and the article number being all digits left of the decimal. The section number appears right of the decimal. As another example, 113.10 indicates the code number is 1, the article number is 113 (or the 13th article within code 1), and the section number is .10.

This numbering system has the advantage of inherent flexibility in allowing for an almost endless amount of expansion. Codes, chapters, and articles initially are odd-numbered, thus reserving the use of even numbers for future legislation. Sections within articles are consecutively numbered, except that penalty provisions are usually assigned the number .99. Newly created sections subsequent to the original codification may be indicated by three digits right of the decimal in the event the law properly belongs between two consecutively numbered sections. For example, newly created 575.061, 575.062 and 575.063 follow 575.06 and precede 575.07 to be placed in their logical position.

Section histories enable a user to trace the origin of the law contained in the section. The history indicates the derivation by reference to either its passage date and the ordinance number originally assigned to it at that time, or to its inclusion in any prior code. Sections without histories indicate that the section contains new matter which was ordained by the Adopting Ordinance which enacts the Codified Ordinances.

The Comparative Section Table is included to show the disposition of every ordinance included in the Codified Ordinances. It indicates whether a given ordinance was consolidated with another into one section or split into two or more sections. Cross references direct the user to subject matter reasonably related to material contained within a given article.